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15 *Attorneys for Plaintiffs*

Jason Aiello, Souheil Sawaya

16 *and Mario Velarde*

17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**

19
20 IN RE WELLS FARGO HOME
21 MORTGAGE OVERTIME LITIGATION

MDL Case No. 06-1770 MHP

**ADMINISTRATIVE MOTION TO
RELATE CASES PURSUANT TO LOCAL
RULES 3-12 AND 7-11**

JASON AIELLO,

Plaintiff,

v.

WELLS FARGO BANK, N.A.,

Defendant.

Civil Case No. 10-cv-00744 EMC

Filed as a Tag-Along Case to MDL
No. 06-1770 Assigned to the
Honorable Marilyn Hall Patel

SOUHEIL SAWAYA,

Plaintiff,

v.

WELLS FARGO BANK, N.A.,

Defendant.

Civil Case No. 10-cv-01460 JL

Filed as a Tag-Along Case to MDL
No. 06-1770 Assigned to the
Honorable Marilyn Hall Patel

MARIO VELARDE,

Plaintiff,

v.

WELLS FARGO BANK, N.A.,

Defendant.

Civil Case No. 10-cv-00772 EDL

Filed as a Tag-Along Case to MDL
No. 06-1770 Assigned to the
Honorable Marilyn Hall Patel

This is an administrative motion to relate three actions by different plaintiffs (Jason Aiello, Souheil Sawaya, and Mario Velarde) against Wells Fargo Bank, N.A. to an ongoing MDL case in this District. All three plaintiffs have in the past been employed by the common defendant, Wells Fargo Bank, N.A., as Home Mortgage Consultants. All three bring their complaints seeking overtime pay and related relief.

1 In 2006 the Judicial Panel on Multidistrict Litigation assigned a number of actions
 2 involving Wells and its former Home Mortgage Consultants to the Honorable Marilyn Hall
 3 Patel. Since that time, Judge Patel has been acting as the MDL judge and continues to so act.
 4 That action is *In re Wells Fargo Home Mortgage Overtime Litigation*, MDL Case No. 06-1770
 5 MHP. Over the past several months, a number of additional individual lawsuits have been filed
 6 by former Home Mortgage Consultants in this District and because the caption of each has
 7 referred to the MDL proceedings those complaints have been assigned to Judge Patel. The three
 8 individual actions (*Aiello, Sawaya, Velarde*), which are the subject of this administrative motion,
 9 were not so assigned by the Clerk's Office, this necessitating this motion.

11 It is appropriate that these three additional actions also be referred to Judge Patel since
 12 they are clearly related under the criteria of Civil Local Rule 3-12. Specifically, all three actions
 13 involve the same defendant, the nature of the overtime claims is similar, and there would be an
 14 unduly burdensome duplication of labor and expense were these cases conducted before
 15 different judges. Judge Patel has gained familiarity with the factual and legal issues common to
 16 all these cases over the several years that she has guided the MDL matters.

18 Wells Fargo has stipulated to the transfer of these actions to Judge Patel and that
 19 stipulation, with its incorporated proposed order, is attached to this motion.

21 Date: April 30, 2010

McINERNEY & JONES

23 By: s/ Kevin J. McInerney
 24 Kevin J. McInerney
 25 Attorneys for Plaintiffs Aiello, Sawaya,
 26 and Velarde

PROOF OF SERVICE

In re Wells Fargo Home Mortgage Overtime Litigation

United States District court, Northern District of California

MDL Case No: 06-1770

I, the undersigned, declare as follows:

I am employed in the County of Washoe, State of Nevada.

I am over the age of eighteen (18) years and not a party to the within action; my business address is 18124 Wedge Parkway, #503, Reno Nevada, 89511.

On April 30, 2010, I served the foregoing document(s) described as:

1. Administrative Motion to Relate Cases Pursuant to Local Rules 3-12 and 7-11
2. Stipulation and [Proposed] Order in Support of Administrative Motion to Relate Cases Pursuant to Local Rules 3-12 and 7-11

on all interested parties in this action addressed to the addressee as follows:

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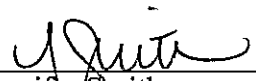
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XX By CM/ECF. I electronically transmitted the attached document to the Clerk's Office using the CM/ECF system for filing and transmittal of a Notice of Electronic Filing to the above CM/ECF registrant(s).

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on April 30, 2010 at Reno, Nevada.



Jennifer Smith